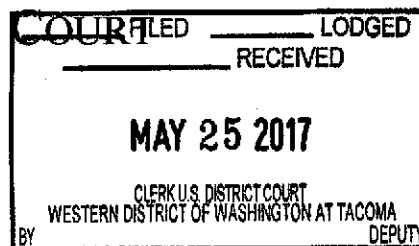


UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

The Facebook accounts described in Attachment A

Case No.

MS17-5099

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, attached hereto and incorporated by reference herein,

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached hereto and incorporated by reference herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 USC 922(g)(1)
18 USC 241

Offense Description
Felon in possession of a Firearm
Conspiracy Against Rights

The application is based on these facts:

See Affidavit of FBI Agent Michelle Nicolet, attached hereto and incorporated by reference herein.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Michelle Nicolet, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

5/25/2017

Judge's signature

City and state: Tacoma, Washington

David W. Christel, United States Magistrate Judge

Printed name and title

AFFIDAVIT

STATE OF WASHINGTON)

) ss

COUNTY OF PIERCE)

I, Michelle C. Nicolet, being first duly sworn, hereby depose and state as follows:

BACKGROUND

1. I have been employed as a Special Agent of the Federal Bureau of Investigation since October 2005 and am currently assigned to the Seattle Division's Olympia Resident Agency as a member of the Joint Terrorism Task Force (JTTF). In the course of my official duties I am charged with the investigation of federal crimes occurring within the Western District of Washington, including Felon in Possession of a Firearm, in violation of Title 18, United States Code, § 922(g)(1), and Conspiracy Against Rights, in violation of Title 18, United States Code, § 241.

2. The facts set forth in this affidavit are based on my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; review of documents and records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience. Because this Affidavit is submitted for the limited purpose of establishing probable cause in support of the application for a search warrant, it does not set forth each and every fact that I or others have learned during the course of this investigation.

3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, § 922(g)(1) and Title 18, United States Code, § 249 have been committed by Jason Allen Karr. There is also probable cause to search the information described in

1 Attachment A, and to seize the item(s) described in Attachment B, seeking evidence of
2 these crimes.

3 **PURPOSE OF AFFIDAVIT**

4 4. I make this affidavit in support of an application for a search warrant for
5 information associated with the following Facebook accounts:

6 a. Facebook user ID 100008161001624 (Subject Account 1), registered under
7 the name Jason Karr and email address jasonkarr668@yahoo.com;

8 b. Facebook user ID 100014271097625 (Subject Account 2), registered under
9 the name Jason Karr and the email address stomperandryankarr@gmail.com;

10 c. Facebook user ID 100012477123568 (Subject Account 3), bearing user
11 name Jason Karr;

12 d. Facebook user ID 100015155051835 (Subject Account 4), bearing user
13 name Stomper Karr, but for the reasons provided below is believed to belong to Jason
14 Karr;

15 e. Facebook user ID 100015205476031 (Subject Account 5), bearing user
16 name Ron McDonald, but for the reasons provided below is believed to belong to Jason
17 Karr;

18 f. Facebook user ID 100014588464968 (Subject Account 6), bearing user
19 name Otto Skorzeny, but for the reasons provided below is believed to belong to Jason
20 Karr;

21 g. Facebook user ID 100015734589480 (Subject Account 7), bearing user
22 name Jason von Stomper, but for the reasons provided below is believed to belong to
23 Jason Karr;

24 h. Facebook user ID 100015754755822 (Subject Account 8), bearing user
25 name Stomper Karr, but for the reasons provided below is believed to belong to Jason
26 Karr;

i. Facebook user ID 100014856646039 (Subject Account 9), bearing user name Allen Von Puke, but for the reasons provided below is believed to belong to Jason Karr; and

j. Facebook user ID 100015826274404 (Subject Account 10), bearing user name Jay Allen Brownshirt, but for the reasons provided below is believed to belong to Jason Karr.

5. All of the requested information is stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with Subject Accounts 1 through 10.

SUMMARY OF PROBABLE CAUSE

6. Jason Allen Karr, aka "Stomper," is a member of the white supremacy extremist group Aryan Skin Kindred (ASK) residing in Pierce County, Washington. Karr has multiple prior felony convictions, including convictions for Accessory to Murder, Possessing/Manufacturing/Selling a Dangerous Weapon, and Felon in Possession of a Firearm.

7. Investigation by law enforcement has revealed that Karr is extremely active on Facebook under various aliases, and that he regularly uses Facebook Messenger to discuss the ongoing criminal activities of himself and others, including discussions concerning his attempts to obtain firearms despite his status as a felon.

8. Because evidence of those criminal activities would be helpful in the investigation of Karr and his associates, the government seeks information from the Facebook accounts associated with Karr as described below.

STATEMENT OF PROBABLE CAUSE**A. INVESTIGATIVE BACKGROUND**

9. As a member of the JTTF I am responsible for investigating allegations of crimes related to international and/or domestic terrorism. Allegations of domestic terrorism may include crimes of violence perpetrated or threatened by white supremacy extremists in furtherance of their ideology.

10. In the course of my work on the JTTF I regularly work and share information with other federal, state, and local law enforcement agencies related to potential federal crimes.

11. In August 2016, the Olympia Police Department (OPD) arrested Daniel Brett Rowe for attacking an African American man and his white girlfriend outside of a bar in Olympia, Washington. Following his arrest, Rowe stated that he had come downtown in reaction to anti-police graffiti that had been put up the prior weekend. Rowe stated that he had taken a blood oath to fight on the street. Rowe added that if he was released he would be stomping out more of the Black Lives Matter movement.

12. Information provided by the Washington Department of Corrections (WADOC) revealed that Rowe had previously served time in one or more WADOC facilities and was classified by WADOC as a documented member of the white supremacy extremist group ASK. Further investigation into Rowe's activities and associates indicate that he continued to associate with ASK as well as another white supremacy extremist group, Hakenkreuz Skinheads (HSH), upon his release from prison for his prior conviction.

13. On or about November 22, 2016, OPD, in connection with the Rowe investigation, obtained a search warrant in Thurston County Superior Court for multiple Facebook accounts, including two accounts associated with Facebook user Jason Karr (Account 1 and Account 2 on the list found in paragraph 4, above).

14. On or about January 5, 2017, OPD provided the FBI with copies of all of the returns received pursuant to the search warrant, including the returns for Account 1

1 and Account 2. The date range for the search warrant returns received from OPD is from
2 on or about August 16, 2016, until on or about December 1, 2016.

3 **B. OPD SEARCH WARRANT RETURNS**

4 15. A review of the search warrant returns received from OPD revealed the
5 following information:

6 16. On or about September 16, 2016, Karr sent a private message from
7 Account 1 to Facebook user Danny Mattis (Facebook user ID: 100002525713779). In
8 that message, Karr told Mattis that he is "at war" with ANTIFA. From my investigative
9 experience and knowledge, ANTIFA is an acronym commonly used to refer to the anti-
10 fascist anarchist movement that is a strong supporter of the Black Lives Matter
11 movement. ANTIFA has a large presence in the Olympia, Washington, area, and its
12 members regularly clash with members of local white supremacy extremist groups due to
13 their conflicting ideologies. Karr then sent Mattis a picture of a drawing depicting a
14 masked character shooting another character in the head with a gun along with the
15 phrase, "Headshot, ANTIFA scum." Karr told Mattis that he has not yet been to
16 downtown Olympia but that when he sees ANTIFA, "Its (sic) on and cracking." Karr
17 further stated, "I'm old and shit but I love pur (sic) Race and I'll go down fighting for
18 what I believe in."

19 17. On or about September 19, 2016, Karr sent a private message from
20 Account 1 to Mattis stating that he does not like to go to Lakewood, Washington, because
21 of all of the interracial couples there. Karr referred to it as an "epidemic." Mattis said,
22 "those fuckers need to die." Karr responded, "Yep all of them do need to die...but all we
23 can do is teach our kids right."

24 18. On or about October 2, 2016, Karr sent a private message from Account 1
25 to Mattis telling him that Karr is getting ready to go to some protests. Mattis asked Karr
26 if it is "like a huge riot or u hold signs [a]nd shit?" Karr replied, "We fight they hold
27 signs." Mattis then told Karr that Karr will go back to prison if he fights them, and Karr
28

1 said, "They don't arrest you unless you fuck with the cops...[a]nd the cops have our
2 backs because were [sic] on the same side against those niggers."

3 19. On or about October 21, 2016, Karr posted on his Account 1 "wall" a
4 meme of a photo of a white male "curb stomping" an African American male along with
5 the phrase, "If you're happy and you know it stomp your feet." The photo is from a
6 scene in the movie "American History X." From my training and experience I know that
7 "curb stomping" is a form of assault in which a victim's mouth is forcefully placed on a
8 curb and then stomped from behind, causing severe injuries and sometimes death.

9 20. On or about October 27, 2016, Karr sends a private message from
10 Account 1 to Facebook user Orion Wotan, which is the known Facebook alias of ASK
11 member Jimmy Rocha. In that message, Karr tells Rocha that Karr's brother did research
12 on an individual named Dopey Diamond. Karr and Rocha had been intending to help get
13 Diamond a job with the construction company they worked for at the time. Karr told
14 Rocha that the research revealed that Diamond has members of the groups Skinheads
15 Against Racial Prejudice (SHARP) on his Facebook "friends" list, and that now Karr
16 wants to hurt Diamond. Rocha tells Karr that they should hire Diamond and "get rid of
17 him then." My training and experience tell me that the ideologies held by SHARP
18 members are traditionally in contradiction to the ideologies held by white supremacy
19 extremist groups.

20 21. Also on or about October 27, 2016, Karr tells Facebook user Brunhild
21 Oconnor (Facebook user ID: 100011457660314) via private message from Account 1
22 that he is angry that a skinhead that he has known for 30 years, Dopey Diamond, is now a
23 member of SHARP. Brunhild Oconnor is a known Facebook alias of Ryan Desimas,
24 who has been Karr's girlfriend since late October 2016. Karr tells Desimas that he wants
25 to kill Diamond, but that Jeremy Wolf told him that he cannot count on Jimmy Rocha for
26 "this kind of work." Jeremy Wolf and Jimmy Rocha are known members of ASK. Karr
27 further told Desimas that he wants her to help him "get" Diamond, and that he still has
28 Diamond on his Facebook "friends" list because he wants to "get" him. Desimas then

1 told Karr to not lose sleep over it, but that "I totally get it...And I'm always down." A
2 short while later Karr sends Desimas a photo of one of Diamond's friends and says that
3 he would love to catch him in a dark alley. Desimas responds, "I would love to see
4 that...and participate."

5 22. Also on or about October 27, 2016, Karr sent a series of private messages
6 from Account 1 to Facebook user Sarah Faye (Facebook user ID: 100013914344978). In
7 those messages, Karr tells Faye about Diamond and the fact that he used to be "WP"
8 (which your affiant knows to mean "white power") but is now a SHARP. Karr tells Faye
9 that he is going to hurt Diamond. In an earlier private message exchange between Faye
10 and Karr on or about October 24, 2016, Faye indicated that she lives in Compton,
11 California.

12 23. On or about October 28, 2016, Karr posted on his Account 1 "wall"
13 pictures that said, "Hospitalize your local ANTIFA scumbag" and "Anti-ANTIFA Street
14 Fighter."

15 24. On or about November 23, 2016, Karr sent a private message from
16 Account 2 to Facebook user Karr Ryan (Facebook user ID: 100014134506466). "Karr
17 Ryan" is another known Facebook alias of Ryan Desimas. In that message Karr told
18 Desimas that he hears voices "all day long" but that "[t]hey don't affect me at all." When
19 Desimas asked him if the voices want to hurt him or want him to hurt himself Karr said,
20 "no I'm not suicidal I'm homicidal (sic)." Karr went on to say that the voices are
21 "constant torment" and "24 7 days a week."

22 25. On or about November 28, 2016, Karr sent a private message from
23 Account 1 to Facebook user Rusty Wire (Facebook user ID: 100001578425976) that Karr
24 used to be with the Public Enemy Number 1 (PEN1) "Death Squad" but that he is now
25 with the group Aryan Skin Kindred in Washington. PEN1 is a known white supremacy
26 extremist group based in California.

27 26. On or about December 1, 2016, Karr sent a private message from Account
28 2 to Desimas saying, "I need to make some money babe...crime...500\$ [sic]."

1 27. Also on December 1, 2016, Karr had a private message exchange from
2 Account 2 with Facebook user Tim Wells (Facebook user ID: 100013375780584). In
3 that exchange, Wells sent Karr a link to an article about a new highly-lethal round of
4 ammunition called the "R.I.P. Bullet" (<http://thugbible.com/rip-bullet/>). Wells then sent
5 Karr a photo of what appears to be parts of a gun. Wells told Karr, "this is an 80%
6 polymer kit with cutting bits. This is how you build your own gun without having to
7 register it DIY AR. You can buy a complete upper and all the other parts without any
8 FFL paperwork, also known as 'ghost gun.' Drop me your address and i'll send it to you.
9 This (sic) polymers are easy to learn how to machine a lower and then you can buy a
10 forged lower. The polymer after assembly works like a real deal." Wells went on to say,
11 "This is legal. If you'll go to the websites I shot you about you can see all the different
12 lowers and uppers. You can also put 'DIY AR' and it'll give you all the shops online
13 who sells them as well." Wells told Karr, "Been 'build-your-own-gun' and just a parts
14 it's legal to ship, I build over a 100 of them." Karr responded, "Hell yeah...Hold on
15 brother I'll get you my address yeah I'm a convicted felon so I shouldn't have a gun
16 period but I'm off parole now so fuck it I need a gun... We all need guns."

17 28. On that same date, Karr sends a private message from Account 2 to
18 Desimas in which he stated, "Hold on I'm giving someone my address for a gun."
19 Desimas replies, "that's smart...on messenger," and Karr responds, "Noe [sic] on
20 SMS...it's not illegal anyhow...it's not a full gun."

21 29. Using Account 2, Karr provided Wells with his mailing address as 17725
22 Clear Lake Boulevard SE, Yelm, Washington 98597. That address is known to be the
23 residence of Jimmy Rocha, whom Karr was living with at the time. Wells then sent Karr
24 several photos of guns that he has built. In one of the pictures, a gun is laying on top of a
25 t-shirt that said, "Headshot, ANTIFA scum." In another photo that Wells sent Karr, one
26 of the guns is mounted with a night vision scope. Wells told Karr that he also sells a
27 night vision scope like the one in the picture, which he indicated is basically a Russian
28 military scope.

1 30. Information received from the United States Postal Service revealed that a
2 package addressed to Karr from T. Wells, 6604 E. Huntington Rd., Kingman, Arizona
3 86401, was delivered to 17725 Clear Lake Boulevard SE, Yelm, Washington 98597
4 approximately one week after Karr's message exchange with Wells.

5 31. A review of Karr's publicly accessible Facebook information as well as
6 information contained in the OPD search warrant returns indicates that "Stomper" is an
7 alias commonly used by Karr.

8 32. A search of Karr's criminal history on January 25, 2017, revealed that
9 Karr has multiple felony convictions. In April 1993, Karr was convicted in California on
10 the charge of Possessing/Manufacturing/Selling a Dangerous Weapon, a felony, and was
11 sentenced to 16 months in prison. In August 1999, Karr was convicted in California on
12 the charge of Felon in Possession of a Firearm, a felony, and sentenced to 32 months in
13 prison. In July 2005, Karr was convicted in California on charges of Accessory to
14 Murder and Participation in a Criminal Street Gang, both felonies, and was sentenced to
15 68 months in prison.

16 33. Karr's criminal history further revealed that in November 2011, Karr was
17 convicted in California on the charge of Threatening Crime with Intent to Terrorize, a
18 misdemeanor, and was sentenced to 365 days in prison.

19 C. SUBJECT ACCOUNTS

20 34. Investigation has revealed that Jason Allen Karr, aka "Stomper," has used
21 and continues to use a number of different Facebook profiles, as described in more detail
22 below. In several instances throughout the Facebook returns received from OPD, Karr
23 discusses the fact that his Facebook accounts get shut down by Facebook on a regular
24 basis and that as a result he regularly creates new accounts.

25 35. Subject Account 1 is registered under the name Jason Karr and is
26 associated with the email address jasonkarr668@yahoo.com and the phone number 801-
27 503-6469. The publicly viewable portion of Account 1 includes photos of Karr that were
28 posted by the owner of the account. It also indicates that the owner of the account is

1 from San Diego, California, where Karr previously resided. In addition, the search
2 warrant returns received from OPD indicate that Karr used that account to request and
3 receive photos of the birth certificates of three of his children in which the father is listed
4 as Jason Allen Karr. Preservation requests for Account 1 were submitted to Facebook on
5 October 12, 2016, and March 28, 2017.

6 36. Subject Account 2 is registered under the name Jason Karr and is
7 associated with the email address stomperandryankarr@gmail.com and the phone number
8 253-754-8677. A grand jury subpoena issued in the Western District of Washington has
9 revealed that the subscriber of that telephone number is Jason Karr. A preservation
10 request for Account 2 was submitted to Facebook on March 28, 2017.

11 37. Subject Account 3 bears the user name Jason Karr. The publicly
12 accessible portions of the account contain messages of white power and indicate that the
13 owner is from San Diego, California, where Karr formerly resided. Preservation requests
14 for Account 3 were submitted to Facebook on October 12, 2016, and March 28, 2017.

15 38. Subject Account 4 previously bore user name Stomper Karr, a known
16 alias of Jason Karr. Although the account no longer exists, a preservation request for
17 Account 4 was submitted to Facebook on February 13, 2017.

18 39. Subject Account 5 bears user name Ron McDonald. The account was
19 discovered through a review of the "friends list" of Facebook user Orion Wotan
20 (Facebook user ID: 100004785257872) which is a known alias of ASK member James
21 Rocha. The profile picture for the account Ron McDonald is a photo of Jason Karr, and
22 the publicly viewable portions of the account include photos of Karr and his girlfriend,
23 Ryan Desimas, that were posted by the owner of the account. A preservation request for
24 Account 5 was submitted to Facebook on February 15, 2017.

25 40. Subject Account 6 bears user name Otto Skorzeny. The account was
26 discovered through a review of the publicly accessible information on one of the
27 Facebook pages of Karr's girlfriend, Ryan Desimas. On that page, Desimas indicated
28 that she is "in a relationship" with user Otto Skorzeny. In addition, photos of Karr that

1 were posted by the owner of the Otto Skorzeny account or someone with direct access to
2 the account could be observed on the publicly accessible portions of the account.
3 Although the account no longer exists, a preservation request for Account 6 was
4 submitted to Facebook on March 28, 2017.

5 41. Subject Account 7 bears user name Jason von Stomper, a variation of
6 Karr's true name and known alias. In addition, photos of Karr that were posted by the
7 account owner or someone with direct access to the account can be observed in the
8 publicly accessible portion of the account. A preservation request for Account 7 was
9 submitted to Facebook on March 2, 2017.

10 42. Subject Account 8 bears user name Stomper Karr, a variation of Karr's
11 true name and known alias. Although the account no longer exists, a preservation request
12 for Account 8 was submitted to Facebook on March 21, 2017.

13 43. Subject Account 9 bears user name Allen Von Puke. Allen is Karr's true
14 middle name. The account was discovered through a review of the publicly accessible
15 information on one of the Facebook pages of Karr's girlfriend, Ryan Desimas. On that
16 page, Desimas indicated that she is "in a relationship" with user Allen Von Puke. In
17 January 2017 a photo of Karr holding a dog was posted on the publicly accessible "wall"
18 of the Allen Von Puke account by the owner of the account or someone with direct access
19 to the account. In addition, the "friends list" for the account includes a large number of
20 Karr's known associates. Although the account no longer exists, a preservation request
21 for Account 9 was submitted to Facebook on March 28, 2017.

22 44. Subject Account 10 bears user name Jay Allen Brownshirt, which
23 includes variations of Karr's true first and middle names, and the profile picture is a
24 picture of Karr. The account is on the friends list of Karr's girlfriend, Ryan Desimas, and
25 the publicly accessible portions of the "wall" of Account 10 contains pictures of Karr and
26 Desimas. Also on the "wall" of the account the owner refers to himself as "Stomper," a
27 known alias of Karr's, and says that he keeps opening up new Facebook accounts
28

1 because Facebook keeps shutting his accounts down. A preservation letter for Account
2 10 was submitted to Facebook on April 3, 2017.

3 **D. FACEBOOK INFORMATION STORAGE**

4 45. I am aware from my experience and training, and consultation with other
5 investigators, of the following information about Facebook:

6 46. Facebook owns and operates a free-access social networking website of
7 the same name that can be accessed at <http://www.facebook.com>. Facebook allows its
8 users to establish accounts with Facebook, and users can then use their accounts to share
9 written news, photographs, videos, and other information with other Facebook users, and
10 sometimes with the general public.

11 47. Facebook asks users to provide basic contact and personal identifying
12 information to Facebook, either during the registration process or thereafter. This
13 information may include the user's full name, birth date, gender, contact e-mail
14 addresses, Facebook passwords, Facebook security questions and answers (for password
15 retrieval), physical address (including city, state, and zip code), telephone numbers,
16 screen names, websites, and other personal identifiers. Facebook also assigns a user
17 identification number to each account.

18 48. Facebook users may join one or more groups or networks to connect and
19 interact with other users who are members of the same group or network. Facebook
20 assigns a group identification number to each group. A Facebook user can also connect
21 directly with individual Facebook users by sending each user a "Friend Request." If the
22 recipient of a "Friend Request" accepts the request, then the two users will become
23 "Friends" for purposes of Facebook and can exchange communications or view
24 information about each other. Each Facebook user's account includes a list of that user's
25 "Friends" and a "News Feed," which highlights information about the user's "Friends,"
26 such as profile changes, upcoming events, and birthdays.

27 49. Facebook users can select different levels of privacy for the
28 communications and information associated with their Facebook accounts. By adjusting

1 these privacy settings, a Facebook user can make information available only to himself or
2 herself, to particular Facebook users, or to anyone with access to the Internet, including
3 people who are not Facebook users. A Facebook user can also create "lists" of Facebook
4 friends to facilitate the application of these privacy settings. Facebook accounts also
5 include other account settings that users can adjust to control, for example, the types of
6 notifications they receive from Facebook.

7 50. Facebook users can create profiles that include photographs, lists of
8 personal interests, and other information. Facebook users can also post "status" updates
9 about their whereabouts and actions, as well as links to videos, photographs, articles, and
10 other items available elsewhere on the Internet. Facebook users can also post information
11 about upcoming "events," such as social occasions, by listing the event's time, location,
12 host, and guest list. In addition, Facebook users can "check in" to particular locations or
13 add their geographic locations to their Facebook posts, thereby revealing their geographic
14 locations at particular dates and times. A particular user's profile page also includes a
15 "Wall," which is a space where the user and his or her "Friends" can post messages,
16 attachments, and links that will typically be visible to anyone who can view the user's
17 profile.

18 51. Facebook allows users to upload photos and videos. It also provides users
19 the ability to "tag" (*i.e.*, label) other Facebook users in a photo or video. When a user is
20 tagged in a photo or video, he or she receives a notification of the tag and a link to see the
21 photo or video. For Facebook's purposes, the photos and videos associated with a user's
22 account will include all photos and videos uploaded by that user that have not been
23 deleted, as well as all photos and videos uploaded by any user that have that user tagged
24 in them.

25 52. Facebook users can exchange private messages on Facebook with other
26 users. These messages, which are similar to e-mail messages, are sent to the recipient's
27 "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well
28 as other information. Facebook users can also post comments on the Facebook profiles

1 of other users or on their own profiles; such comments are typically associated with a
2 specific posting or item on the profile. In addition, Facebook has a Chat feature that
3 allows users to send and receive instant messages through Facebook. These chat
4 communications are stored in the chat history for the account. Facebook also has a Video
5 Calling feature, and although Facebook does not record the calls themselves, it does keep
6 records of the date of each call.

7 53. If a Facebook user does not want to interact with another user on
8 Facebook, the first user can “block” the second user from seeing his or her account.

9 54. Facebook has a “like” feature that allows users to give positive feedback
10 or connect to particular pages. Facebook users can “like” Facebook posts or updates, as
11 well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook
12 users can also become “fans” of particular Facebook pages.

13 55. Facebook has a search function that enables its users to search Facebook
14 for keywords, usernames, or pages, among other things.

15 56. Each Facebook account has an activity log, which is a list of the user’s
16 posts and other Facebook activities from the inception of the account to the present. The
17 activity log includes stories and photos that the user has been tagged in, as well as
18 connections made through the account, such as “liking” a Facebook page or adding
19 someone as a Friend. The activity log is visible to the user but cannot be viewed by
20 people who visit the user’s Facebook page.

21 57. Facebook Notes is a blogging feature available to Facebook users, and it
22 enables users to write and post notes or personal web logs (“blogs”), or to import their
23 blogs from other services, such as Xanga, LiveJournal, and Blogger.

24 58. The Facebook Gifts feature allows users to send virtual “gifts” to their
25 friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase,
26 and a personalized message can be attached to each gift. Facebook users can also send
27 each other “pokes,” which are free and simply result in a notification to the recipient that
28 he or she has been “poked” by the sender.

1 59. Facebook also has a Marketplace feature, which allows users to post free
2 classified ads. Users can post items for sale, housing, jobs, and other items on the
3 Marketplace.

4 60. In addition to the applications described above, Facebook also provides
5 its users with access to thousands of other applications on the Facebook platform. When
6 a Facebook user accesses or uses one of these applications, an update about the user's
7 access or use of that application may appear on the user's profile page.

8 61. Some Facebook pages are affiliated with groups of users, rather than one
9 individual user. Membership in the group is monitored and regulated by the
10 administrator or head of the group, who can invite new members and reject or accept
11 requests by users to enter. Facebook can identify all users who are currently registered to
12 a particular group and can identify the administrator and/or creator of the group.
13 Facebook uses the term "Group Contact Info" to describe the contact information for the
14 group's creator and/or administrator, as well as a PDF of the current status of the group
15 profile page.

16 62. Facebook uses the term "Neoprint" to describe an expanded view of a
17 given user profile. The "Neoprint" for a given user can include the following information
18 from the user's profile: profile contact information; News Feed information; status
19 updates; links to videos, photographs, articles, and other items; Notes; Wall postings;
20 Friend lists, including the friends' Facebook user identification numbers; groups and
21 networks of which the user is a member, including the groups' Facebook group
22 identification numbers; future and past event postings; rejected "Friend" requests;
23 comments; gifts; pokes; tags; and information about the user's access and use of
24 Facebook applications.

25 63. Facebook also retains Internet Protocol ("IP") logs for a given user ID or
26 IP address. These logs may contain information about the actions taken by the user ID or
27 IP address on Facebook, including information about the type of action, the date and time
28 of the action, and the user ID and IP address associated with the action. For example, if a

1 user views a Facebook profile, that user's IP log would reflect the fact that the user
2 viewed the profile, and would show when and from what IP address the user did so.

3 64. Social networking providers like Facebook typically retain additional
4 information about their users' accounts, such as information about the length of service
5 (including start date), the types of service utilized, and the means and source of any
6 payments associated with the service (including any credit card or bank account number).
7 In some cases, Facebook users may communicate directly with Facebook about issues
8 relating to their accounts, such as technical problems, billing inquiries, or complaints
9 from other users. Social networking providers like Facebook typically retain records
10 about such communications, including records of contacts between the user and the
11 provider's support services, as well as records of any actions taken by the provider or
12 user as a result of the communications.

13 65. Therefore, the computers of Facebook are likely to contain all the material
14 described above, including stored electronic communications and information concerning
15 subscribers and their use of Facebook, such as account access information, transaction
16 information, and other account information. I believe such information is likely to assist
17 in the investigation into the criminal activities of Jason Karr.

18 **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

19 66. I anticipate executing this warrant under the Electronic Communications
20 Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by
21 using the warrant to require Facebook to disclose to the government copies of the records
22 and other information (including the content of communications) particularly described in
23 Section I of Attachment B. Upon receipt of the information described in Section I of
24 Attachment B, government-authorized persons will review that information to locate the
25 items described in Section II of Attachment B.

26 67. As indicated in the Motion for Nondisclosure and Motion to Seal that
27 accompany this affidavit, the government requests, pursuant to the preclusion of notice
28 provisions of Title 18, United States Code, Section 2705(b), that Facebook be ordered not

1 to notify any person (including the subscriber or customer to which the materials relate)
2 of the existence of this warrant for such period as the Court deems appropriate. The
3 government submits that such an order is justified because notification of the existence of
4 this Order would seriously jeopardize the ongoing investigation. Such a disclosure would
5 give the subscriber an opportunity to destroy or tamper with evidence, change patterns of
6 behavior, notify confederates, intimidate witnesses, or flee from prosecution.

7 68. It is further respectfully requested that this Court issue an order sealing all
8 papers submitted in support of this application, including the application and search
9 warrant until such dates as provided in the proposed Order. I believe that sealing these
10 documents is necessary because the items and information to be seized are relevant to an
11 ongoing investigation. Premature disclosure of the contents of this affidavit and related
12 documents may have a significant and negative impact on the continuing investigation
13 and may severely jeopardize its effectiveness.

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1 **CONCLUSION**

2 69. Based on the forgoing, I request that the Court issue the proposed search
 3 warrant. This Court has jurisdiction to issue the requested warrant because it is "a court
 4 of competent jurisdiction" as defined by 18 U.S.C. § 2711. *See* 18 U.S.C. §§ 2703(a),
 5 (b)(1)(A) and (c)(1)(A). Specifically, the Court is a "district court of the United States
 6 (including a magistrate judge of such a court) . . . that – has jurisdiction over the offense
 7 being investigated." 18 U.S.C. § 2711(3)(A)(i). Pursuant to 18 U.S.C. § 2703(g), the
 8 presence of a law enforcement officer is not required for the service or execution of this
 9 warrant. Accordingly, by this Affidavit and Warrant, I seek authority for the government
 10 to search all of the items specified in Section I, Attachment B (attached hereto and
 11 incorporated by reference herein) to the Warrant, and specifically to seize all of the data,
 12 documents and records that are identified in Section II of that same Attachment.

13
 14 DATED this 25th day of May, 2017.

15
 16 
 17 MICHELLE C. NICOLET
 18 Special Agent
 19 Federal Bureau of Investigation

20 The above-named agent provided a sworn statement attesting to the truth of the
 21 contents of the foregoing affidavit on this 25th day of May, 2017.

22
 23 
 24 HON. DAVID W. CHRISTEL
 25 United States Magistrate Judge
 26
 27
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ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the following ten accounts, each identified by Facebook user ID: (1) 100008161001624, (2) 100014271097625, (3) 100012477123568, (4) 100015155051835, (5) 100015205476031, (6) 100014588464968, (7) 100015734589480, (8) 100015754755822, (9) 100014856646039, and (10) 100015826274404 for all such information that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California. This warrant is limited to information created after October 21, 2006.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

A. The following information about the customers or subscribers of the Account:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos in their original format, including EXIF information (metadata), uploaded by that user ID and all photos and videos in their original format, including EXIF information (metadata), uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend and family lists, including the friend and family Facebook user identification numbers; groups and networks of which the user is a member,

1 including the groups' Facebook group identification numbers; future and
2 past event postings; rejected "Friend" requests; comments; gifts; pokes;
3 tags; and information about the user's access and use of Facebook
4 applications;

5 (e) All other records of communications and messages made or received by the
6 user, including all private messages, chat history, calling history, and
7 pending "Friend" requests;

8 (f) All "check ins" and other location information;

9 (g) All IP logs, including all records of the IP addresses that logged into the
10 account;

11 (h) All records of the account's usage of the "Like" feature, including all
12 Facebook posts and all non-Facebook webpages and content that the user
13 has "liked";

14 (i) All information about the Facebook pages that the account is or was a "fan"
15 of;

16 (j) All past and present lists of Friends created by the account;

17 (k) All records of Facebook searches performed by the account;

18 (l) The types of service utilized by the user;

19 (m) The length of service (including start date);

20 (n) The means and source of payment for such service (including any credit
21 card or bank account number) and billing records;

22 (o) All privacy settings and other account settings, including privacy settings
23 for individual Facebook posts and activities, and all records showing which
24 Facebook users have been blocked by the account;

25 (p) All records pertaining to communications between Facebook and any
26 person regarding the user or the user's Facebook account, including
27 contacts with support services and records of actions taken;
28

- (q) Names (including subscriber names, Facebook user IDs, and screen names);
- (r) Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
- (s) Any unique identifiers that would assist in identifying the device(s) associated with the Account, including push notification tokens associated with the account (including Apple Push Notification (APN), Google Cloud Messaging (GCM), Microsoft Push Notification Service (MPNS), Windows Push Notification Service (WNS), Amazon Device Messaging (ADM), and Baidu Cloud Push, phone numbers, IMEI/ESN, serial numbers, instrument numbers), MAC addresses, IP addresses, email addresses, and subscriber information;
- (t) Neoprint for the user profiles identified above;
- (u) Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions along with time, type, machine (including MAC addresses) cookie, city, region, country, device, and browser;
- (v) Linked accounts;
- (w) Family members associated with the account user;
- (x) Work of the account user;
- (y) Telephone or instrument numbers or identities (including MAC addresses); and
- (z) Other subscriber numbers or identities (including temporarily assigned network addresses and registration IP addresses).

B. All records and other information (not including the contents of communications) relating to the Account, including:

- 1 (a) Records of user activity for each connection activity for each connection
- 2 made to or from the Account, including log files; messaging logs; the date,
- 3 time, length, and method of connections; data transfer volume; user names;
- 4 and source and destination of Internet Protocol addresses;
- 5 (b) Information about each communication sent or received by the Account,
- 6 including the date and time of the communication, the method of the
- 7 communication (such as source and destination email addresses, IP
- 8 addresses, and telephone numbers); and
- 9 (c) Records of any Facebook accounts that are linked to the Accounts by
- 10 machine cookies (meaning all Facebook user IDs that logged into Facebook
- 11 by the same machine or device as the Account).
- 12

13 **II. Information to be seized by the government**

14 All information described above in Section I that relates to the ongoing investigation of
 15 Jason Allen Karr, including, for each user ID identified on Attachment A, information
 16 pertaining to the following matters:

- 17 (a) Any content including e-mails, messages, texts, photographs (including
- 18 metadata), videos (including metadata), visual images, documents,
- 19 spreadsheets, address lists, contact lists or communications of any type
- 20 which could be used to identify the user and or their location.
- 21 (b) Records relating to who created, used, or communicated with the user ID,
- 22 including records about their identities and whereabouts.
- 23 (c) All subscriber records associated with the specified accounts, including
- 24 name, address, records of session times and durations, length of service
- 25 (including start date) and types of service utilized, telephone or instrument
- 26 number or other subscriber number or identity, including any temporarily
- 27 assigned network address, and means and source of payment for such
- 28 service including any credit card or bank account number;

- 1 (d) Any and all other log records, including IP address captures, associated
2 with the specified accounts;
- 3 (e) Any records of communications between Facebook and any person about
4 issues relating to the account, such as technical problems, billing inquiries,
5 or complaints from other users about the specified account. This to include
6 records of contacts between the subscriber and the provider's support
7 services, as well as records of any actions taken by the provider or
8 subscriber as a result of the communications.
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**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, _____, attest, under penalties of perjury
under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the
information contained in this declaration is true and correct. I am employed by
Facebook, and my official title is _____. I am a custodian
of records for Facebook. I state that each of the records attached hereto is the original
record or a true duplicate of the original record in the custody of Facebook, and that I am
the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I
further state that:

- a. all records attached to this certificate were made at or near the time of the
occurrence of the matter set forth, by, or from information transmitted by, a person with
knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business
activity of Facebook; and
- c. such records were made by Facebook as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the
Federal Rules of Evidence.

Date

Signature